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From • Roger Pitt, Reg.No. 46,996, Patent Agent,
Secretary • Beata White

Phone • (212) 536 4867

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Re: STROH
U.S. Patent Application No. 09/264,171 Filed: March 5, 1999
Attorney Docket No. STROH Confirmation No. 2689 GAU 3624
"TRADE FINANCING METHODS, INSTRUMENTS AND SYSTEMS"

COMMENTS:

Please enter the accompanying Election.

Respectfully submitted,

Roger Pitt,

Reg. No. 46,996

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of : Attny. Docket No.: STROH
Applicant: Leslie STROH :
Serial No.: 09/264,171 : GAU: 3624
Filed: March 5, 1999 : Examiner: Colbert
For: "TRADE FINANCING METHODS, :
INSTRUMENTS AND SYSTEMS"
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(SECOND) ELECTION

SIR:

In response to the Office Action dated September 15, 2004, applicant hereby elects what the Office has characterized as the "Invention of Group 1", comprising claims 35-80 and 92-101, with traverse.

Search Classes

With regard to further searching of the application, should such be necessary, applicant notes that the elected claims are classified in 705/37 while the nonelected claims are classified in 705/80. From a cursory review of the classification, and without expert knowledge or admission as to the field of the invention or in any other respect, applicant respectfully suggests consideration also be given to class 705, subclass 35, a description of which as obtained by applicant from the PTO web site, is as follows:

35 Finance (e.g., banking, investment or credit):

This subclass is indented under subclass 1. Subject matter drawn to a computerized arrangement for planning the disposition or use of funds or securities, or extension of credit.

Certain aspects of the claimed invention do relate to issues of the extension of credit from the buyer to the seller. Further understanding of the field of the invention may be obtained from the background to applicant's specification which is believed helpful to the reader and to be relevant to the claims as now formulated, notwithstanding the extensive prosecution this application has undergone.

It is furthermore noted, with a view to assisting the Examiner in her work, that the claimed invention is not a method for trading securities nor is it an auction or price-determination method for financial securities or other products. Applicant's claimed invention has been cogently summarized in recent responses to the Office. The field of the invention is believed clear from the first paragraph of applicant's specification appearing under that title.

Other Matters

Reference is made to section 10 of the Office action, regarding which each numbered issue will now be addressed in turn.

Issue no. 1 (Abstract): The Office's clarifying comments are appreciated.

Issue no. 2 (Allowability): Notwithstanding the Office's comments, it is respectfully believed that a restriction requirement is a requirement and not a rejection. It does not go to the patentability of the claims and is not appealable. Therefore it is not a rejection. (See MPEP 706.01). In fact, there has been no rejection of any claim

since the Office action dated March 12, 2003 which was fully answered, in a detailed manner by way of an extensive telephone interview with Examiner Akers, wherein agreement was reached as to potentially allowable claims after concessions were made by applicant to obtain such agreement, and by the Amendment after final dated April 29, 2003, which implemented the agreement reached by telephone and accompanying email negotiation. Substantial efforts were expended by and on behalf of applicant at that time.

To avoid further delay in fulfilling the Office's duty under 35 USC §151 to allow applications that appear patentable under the law, and to avoid inequitable treatment of applicant or uncertainty in possible future negotiations with the Office, applicant respectfully requests that full faith and credit be given to the search and action of the previous examiner, pursuant to MPEP 704.01, noting particularly the paragraph headed "Previous Examiner's Search".


The Office has provided no authority for the application to be "considered and treated as a new application" nor is applicant aware of any. The application is 5½ years old and has been subject to countless actions by the Office. Clearly, it is not a "new application". Unless the Office can promptly cite new art which is unquestionably material to patentability, not art of the marginal nature of previous references encountered in the piecemeal rejection this application has suffered over a number of years, the application should clearly be promptly allowed.

Issue no. 3 (Restriction): The Office's reconsideration of the prior restriction requirements is greatly appreciated by applicant.

In view of the above submissions, it is respectfully submitted that the instant

application, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's representative would be helpful in the advancement of the prosecution, she is invited to call the telephone number below for an interview.

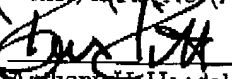
Respectfully submitted,

By: 
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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, to Fax No. (703) 872-9306, on October 1, 2004.


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